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**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

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In re:	)	Chapter 11
FRONTIER COMMUNICATIONS	)	Case No. 20-22476 (MG)
CORPORATION <i>et al.</i> ,	)	Judge Martin Glenn
Reorganized Debtors.	)	(Jointly Administered)
	)	

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**JOINT STATUS REPORT CONCERNING INTELLECTUAL VENTURES CLAIM**

1. The above-captioned reorganized debtors (the “Reorganized Debtors” or “Reorganized Frontier”) and claimant Intellectual Ventures II, LLC (“IV”) provide the following status report, as directed by the Court during the May 11, 2022 status conference.

2. On May 13, 2022 and again on May 17, 2022 counsel for the Reorganized Debtors and claimant IV conferred regarding 1) due dates for the various pre-trial exchanges/submissions, *e.g.* exhibit lists, direct testimony etc.; 2) additional discovery (if any) in light of the additional licenses granted to certain semiconductor manufacturers; 3) witness availability over the upcoming months and an appropriate date for an evidentiary hearing; and 4) scheduling of any necessary trial

depositions due to witness availability issues, including that of Mr. Mark Davis. The parties were able to agree on most, but not all, of the issues, as set forth below:

#### **AGREED-TO ISSUES**

3. First, with regard to the due dates for pretrial exchanges/submissions, the parties propose the following schedule:

- 21 days prior to trial: Parties exchange exhibit lists and proposed stipulated facts. Parties to subsequently meet-and-confer prior to submission of direct testimony with regard to agreed-to exhibits (and labelling) and any stipulated facts.
- 14 days prior to trial: Parties file written direct testimony for all witnesses except those for which a trial deposition was taken (upon prior agreement of the parties). Parties also to exchange pre-marked exhibits. Parties also to file any motions *in limine*.
- 7 days prior to trial: Parties to file Joint Pretrial Conference Order. Parties to file oppositions to any motions *in limine*.

4. Second, with regard to additional discovery in light of additional license, the parties agreed to allow IV to serve one additional interrogatory (already completed) with the Reorganized Debtor's response due May 27, 2022:

5. Third, with regard to any necessary trial depositions, the parties agreed that the Reorganized Debtors would serve any direct testimony from Mr. Mark Davis on May 24, 2022 and make Mr. Davis available for a trial deposition on May 31, 2022. Depending on the scheduling of the trial in this matter, additional trial depositions may be needed. The parties agree to meet-and-confer in good faith on the scheduling of any additional trial depositions that may be necessary.

6. Fourth, with regard to the length of the evidentiary hearing, the parties agreed that a two-day hearing should be sufficient.

### **REMAINING ISSUES**

7. The parties extensively discussed scheduling of the evidentiary hearing for this dispute, but were unable to come to agreement on a proposed date. The parties' positions are as follows:

#### **Reorganized Debtors' Position**

8. As the pre-trial papers make clear, the central dispute in the case concerns the value of the patents-in-suit relative to other technologies in the ITU-T xDSL standards and – even more prominently – as compared to the 10,000+ patents previously licensed by IV but not asserted here. Dr. Jacobsen's testimony will therefore be critical. She is unavailable for in-person testimony in July. Mindful of the schedule, Reorganized Debtors' propose scheduling the evidentiary hearing for either the week of June 27-July 1. With the exception of Mr. Mark Davis, all of the Reorganized Debtor's witnesses, and its client representative, are available either of these two periods.

#### **IV's Position**

9. IV is available for trial on July 12-15, July 25-29, and August 29-31. IV's damages expert - Mr. Bratic will be available for live testimony on these dates. To the extent IV's fact witness, Richard Harris, will be unavailable, the parties have agreed that IV will make him available ahead of time for a trial deposition. A trial between June 27 and July 1 does not work for IV as Mr. Bratic will be out of the country on an Antarctic cruise and unavailable even by Zoom. As noted above, IV has served an interrogatory on the Reorganized Debtor relating to its exhaustion/license defense. Depending on the scope and facts recited in its response to the

interrogatory, IV may need limited additional discovery, such as a short 30(b)(6) deposition of Frontier, Adtran and/or Aware Inc. (Frontier's supplier and the licensor).

Dated: May 17, 2022

Respectfully submitted,

/s/ Timothy R. Shannon

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**CERTIFICATE OF SERVICE**

I hereby certify that on May 17, 2022, I caused a true and accurate copy of the foregoing document to be served on the counsel for all parties registered in ECF by filing the foregoing via the Court's ECF system.

/s/ David A. Herman  
David A. Herman